

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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APPLICANTS :	Bacopoulos, et al.	CONFIRMATION NUMBER :	5497
SERIAL NUMBER :	10/567,953	EXAMINER :	Not yet assigned
I.A. FILING DATE :	August 12, 2004	INT'L APPLICATION NO :	PCT/US04/26161
PRIORITY DATE :	August 29, 2003	ART UNIT :	Not yet assigned
FOR :	<b>Combination Methods of Treating Cancer</b>		

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**MAIL STOP PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the present application are the following documents:

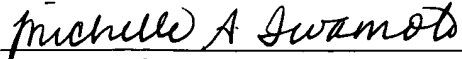
1. Response to Notice to File Missing Requirements (2 pages); in duplicate;
2. Copy of Notice to File Missing Requirements Under 35 U.S.C. § 371 (3 pages);
3. Executed Combined Declaration and Power of Attorney, six counterparts (24 pages);
4. Check Number 3554 in the amount of \$130.00 to cover the declaration surcharge;
5. Information Disclosure Statement (2 pages) in duplicate;
6. Modified Form PTO-1449 (2 pages); in duplicate;
7. Cited References A1-A10; B1-B2; C1-C8;
8. Petition for Two-Month Extension of Time (1 page); in duplicate;
9. Check Number 3555 in the amount of \$450.00 for the Extension Fee; and
10. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (212) 935-3000.

The Commissioner is authorized to charge any fees that may be due or to credit any overpayment of same to the undersigned's account, Deposit Account No. **50-0311**, Customer Number: **35437**, Reference Number: **24852-502 NATL**.

Respectfully submitted,

Dated: January 3, 2007

  
Ivor R. Elrifi, Reg. No. 39,529  
Michelle A. Iwamoto, Reg. No. 55,296  
Attorneys/Agents for Applicants  
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01/08/2007 6FREY1 00000024 10567953

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P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371**

In response to the Notification of Missing Requirements Under 35 U.S.C. §371 mailed on September 11, 2006 in relation to the above-referenced application, Applicants submit herewith this Response; a copy of the Notification of Missing Requirements Under U.S.C. §371, executed Declarations signed by all of the inventors in compliance with 37 C.F.R. §1.497(a) and (b) (six counterparts, 24 pages); Check No. 3554 in the amount of \$130.00 in payment of the surcharge for a large entity thereof; an Information Disclosure Statement (2 pages in duplicate); Form PTO-1449 (2 pages in duplicate); and copies of cited references (B1-B2; C1-C8). In addition, a Petition for a two-month Extension of Time to extend the response period until January 11, 2007 and Check No. 3555 in the amount of \$450.00 for a large entity to cover the Extension of Time Fee, are also included herewith.

Applicants believe no additional fees are due with the filing of this Response, however, if any additional fees are required or if any funds are due, the USPTO is authorized to charge or credit Deposit Account Number: **50-0311**, Customer Number: **35437**, Reference Number: **24852-502 NATL**.

**Remarks/Arguments** begin on page 2 of this paper.

**REMARKS/ARGUMENTS**


The Notice mailed on September 11, 2006 alleges that the instant application clearly fails to comply with the requirements of 37 C.F.R. §§1.821-1.825, which are directed to providing a "Sequence Listing" in computer-readable form. Applicants hereby submit that the instant application does not contain any nucleic acid or amino acid sequences warranting a Sequence Listing in compliance with 37 C.F.R. §§1.821-1.825. Therefore, reconsideration and withdrawal of the Sequence Listing requirement is respectfully requested.

**CONCLUSION**

Examination on the merits of the instant case is respectfully requested. If there are any questions regarding this Response, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Dated: January 3, 2007

  
Ivor R. Elrifi, Reg. No. 39,529  
Michelle A. Iwamoto, Reg. No. 55,296  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/567,953	Nicholas G. Bacopoulos	24852-502-NATL

35437

MINTZ LEVIN COHN FERRIS GLOVSKY & POPE  
666 THIRD AVENUE  
NEW YORK, NY 10017

**RECEIVED**

SEP 14 2006

**Mintz Levin - NYC**

INTERNATIONAL APPLICATION NO.

PCT/US04/26161

I.A. FILING DATE

08/12/2004

PRIORITY DATE

08/29/2003

CONFIRMATION NO. 5497

371 FORMALITIES LETTER



\*OC000000020364029\*

Date Mailed: 09/11/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/10/2006
- Copy of the International Search Report filed on 02/10/2006
- Preliminary Amendments filed on 02/10/2006
- Oath or Declaration filed on 02/10/2006
- U.S. Basic National Fees filed on 02/10/2006
- Priority Documents filed on 02/10/2006
- Specification filed on 02/10/2006
- Claims filed on 02/10/2006
- Abstracts filed on 02/10/2006
- Drawings filed on 02/10/2006

<input type="checkbox"/> File Folder	Done By
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<input type="checkbox"/> Order Copies	
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4/11/07  
Final

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

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Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,953	PCT/US04/26161	24852-502-NATL

FORM PCT/DO/EO/905 (371 Formalities Notice)